



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

BRUCE E. BABBITT  
ATTORNEY GENERAL

March 22, 1978

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ARIZONA ATTORNEY GENERAL

Q. Dale Hatch, Esq.  
Deputy County Attorney  
Office of the Maricopa  
County Attorney  
400 Superior Court Building  
101 West Jefferson  
Phoenix, Arizona 85003

Re: 78-58 (R77-349)

Dear Mr. Hatch:

We concur with the result<sup>1</sup> reached in your October 20, 1977 opinion to the Board of Trustees of the Alhambra School District No. 68, concluding that the County Attorney's Office is authorized to provide that District with legal representation in its attempt to challenge a zoning change on adjacent property not owned by the District.

Sincerely,

JOHN A. LASOTA, JR.  
Acting Attorney General

*David Rich*  
DAVID RICH  
Assistant  
Attorney General

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1. We disagree with the inference that a school district has no legitimate interest in matters occurring on property, or with respect to property, not owned by it. Cf. Op.Atty.Gen.No. 71-3-C.

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OFFICE OF THE MARICOPA COUNTY ATTORNEY  
CHARLES F. HYDER COUNTY ATTORNEY

400 SUPERIOR COURT BUILDING, 101 W. JEFFERSON, PHOENIX, ARIZONA



October 20, 1977

Board of Trustees  
Alhambra School District No. 68  
3001 West Hazelwood  
Phoenix, Arizona 85017

School Opinion No. 77-24

Dear Board Members:

This letter is in response to your letter of September 12, 1977, wherein you requested this office's opinion on the following questions:

1. Can the County Attorney's Office provide the District with legal aid in attempting to have zoning changed?
2. If the answer to the above is negative, would it be a legal expenditure, which you would recommend, for the District to hire private counsel to pursue this matter?

ANSWERS:

1. See Discussion.
2. See Discussion.

DISCUSSION:

A.R.S. §11-532 requires the County Attorney to act as attorney for school districts and boards of trustees as required. This office is willing and able to act as the legal counsel for the Alhambra School District Board of Trustees.

A school board of trustees can only do those things it is authorized by law to do. A.R.S. §15-442 sets out the duties and the responsibilities of a board of trustees. No mention is made in the duties of a board of trustees which allows

them to become involved in zoning disputes on property which is not owned by the school district. Therefore, it is this office's opinion that this office can act as legal advisor to the District Board of Trustees in this matter and the legal advise that we would give is that the Board of Trustees should not be involved in this zoning matter since the School Board has no interest in the property being zoned.

A.R.S. §15-438 allows a board of trustees to hire an attorney for any purpose deemed in the best interest of the board of trustees. However, if the board of trustees hires an attorney for a purpose not authorized then the County School Superintendent could very well refuse to pay the bill. Also, if the board of trustees hires an attorney to pursue the zoning change, the County Attorney's Office does not have to become involved in the matter.

A school board of trustees is not responsible for children off of the school grounds other than to hold them responsible for disorderly conduct. It is the parents responsibility to watch over their children and it is also the responsibility of the owners of property to make sure that their property does not contain any dangerous situations which would expose children to danger. It is our recommendation that the School District Board of Trustees should not become involved in zoning changes where there is no evidence that the zoning change will have a deleterious effect on the school district property.

A copy of this opinion is being sent to the Attorney General for his review.

Very truly yours,

CHARLES F. HYDER  
MARICOPA COUNTY ATTORNEY

By Q. Dale Hatch  
Q. DALE HATCH  
DEPUTY COUNTY ATTORNEY

13/20-21